



AF 0100
**REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
GROUP 2626
PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q56632

Corres. and Mail
BOX AF

Hidemi SASAKI, et al.

Appln. No.: 09/434,121

Group Art Unit: 2626

Confirmation No.: 3518

Examiner: Mark E. WALLERSON

#12
K O and
1-21-04

Filed: November 05, 1999

For: PRINTER AND PRINTING METHOD

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.116

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
DEC 17 2003
Technology Center 2600

Sir:

In response to the Office Action dated September 16, 2003, reconsideration and allowance of the subject application are respectfully requested. Upon entry of this Request, claims 4-9 and 13-17 are pending in the application. Applicant respectfully submits the pending claims define patentable subject matter.

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.116
U.S. Patent Application No. 09/434,121

As a preliminary matter, the undersigned thanks the Examiner for the courtesy of the personal interview on November 14, 2003. In accordance with the requirements regarding submission of the substance of the interview, Applicant submits the following remarks which reflect the claims, the art, and the principal arguments discussed during the interview.

Claims 4, 5, 7, 8, 13, 15 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kumon (U.S. Patent No. 5,208,902) in view of Numata et al. (U.S. Patent No. 5,870,114; hereafter "Numata"). Claims 6 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kumon in view of Numata and Lindstrom et al. (U.S. Patent No. 6,079,807; hereafter "Lindstrom"). Claim 9 and 17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kumon in view of Numata and Yamashita et al. (U.S. Patent No. 5,642,147; hereafter "Yamashita"). Applicant respectfully traverses the prior art rejections.

In the Amendment filed July 2, 2003, Applicant argued the claimed invention would not have been rendered obvious in view of Kumon, Numata Yamashita and/or Lindstrom because the cited references, alone or in combination, do not teach or suggest automatically inputting type information wherein the type information indicates both a size of the recording material and a type of the recording material, as required by independent claims 4 and 13. In particular, none of the references teaches or suggests inputting type information which indicates whether the recording material is multiple frame sticker type or standard paper recording material, as taught by the present invention.

In response the arguments for patentability, the Examiner (page 5 of the Office Action) asserts "Kumon discloses that the printing section comprises an input section operable to

automatically input information representing the types (kinds) of recording material, wherein the types of recording material has at least one printing region having a shape different from a printing region of other types of recording material (which reads on A5, A4, or A3 recording paper) (column 6, lines 31-64), the type information indicating a kind (type) and a size of recording material (column 3, 27-57).” However, Applicant respectfully submits that the Examiner’s position is incorrect since Kumon disclosing inputting only the breadthwise and lengthwise sizes of the recording material. In particular, Kumon simply discloses (1) inputting a breadthwise size and a lengthwise size (i.e., the physical dimensions) of the recording sheet via the detection of setting positions of magnet code portions 47 disposed on the underside of a paper supply cassette 41, 42 or 50, and (2) inputting the breadthwise size of the recording sheet via the detection of setting positions of magnet code portions 47 provided on a manual feed paper supply tray 40.

As shown in Figure 3 of Kumon, the setting positions on the magnet code portions 47 of the paper supply cassettes 41 and 42 are preset for a particular paper size to be used. As shown in Figure 4, the setting positions of the magnet code portions 47 of the paper supply cassette 50 are automatically changed in response to the lengthwise and breadthwise movement of paper guides 48 and 49 which are independently adjusted to the paper used. In the case where the paper is fed automatically via one of the paper supply cassettes 41 or 42, the setting positions of magnet code portions 47 are detected by “paper size detecting portions” 45, 46 as a multi-bit code indicating the breadthwise and lengthwise sizes of the paper. The detected breadthwise and lengthwise sizes of the paper are sequentially compared to the breadthwise and lengthwise sizes

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.116
U.S. Patent Application No. 09/434,121

of paper sizes A5, A4 and A3 (or other paper sizes) to determine whether paper corresponds to paper sizes A5, A4 or A3. For example, if the detected breadthwise and lengthwise sizes of the paper are equal to the breadthwise and lengthwise sizes of paper size A5, it is determined that paper of size A5 is to be recorded on and a size of an image recording area is established accordingly. See column 16, line 30 - column 17, line 66.

In the case where the paper is fed manually via the manual feed paper supply tray 40, the position of the paper guide 48 in the breadthwise direction adjusts the setting positions of the magnetic code portions 47 (note the magnet code portions 47 on the manual feed paper supply tray 40 do not provide lengthwise size information) which are detected by the paper size detecting portions 45, 46. The breadthwise size of the paper detected by the paper size detecting portions 45, 46 is sequentially compared to prestored breadthwise sizes of paper sizes A5, A4 and A3 (or other paper sizes) to determine whether the detected size paper corresponds to paper sizes A5, A4 or A3. For example, if the detected breadthwise size of the paper is equal to the breadthwise size of paper size A5, it is determined that paper of size A5 is to be recorded on and a size of an image recording area is established accordingly.

Thus, Kumon disclosing inputting only the breadthwise and lengthwise sizes of the recording material.

The Examiner appears to be improperly construing the phrase "a type of the recording material" as reading on different recording sheet sizes such as paper sizes A5, A4 and A3. However, the paper size designation of A5, A4 or A3 simply indicates a metric size of a recording sheet under the ISO (International Organization for Standardization) standard size

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.116
U.S. Patent Application No. 09/434,121

system. In other words, the designations of A5, A4 and A3 indicate the size (physical dimensions) of the recording sheet rather than the type of recording sheet. However, recording sheet types such as a standard (paper) recording sheet and a multi-frame sticker type recording sheet may have identical sizes but different image recording areas.

Moreover, even if the paper sizes designations of A5, A4 and A3 are interpreted as a type of recording material (which Applicant submits is incorrect), information read from the magnet code portions by the paper size detecting portions indicates the breadthwise and lengthwise sizes of the recording sheet rather than the particular recording sheet sizes A5, A4 and A3. That is, as discussed above, Kumon teaches a determination of whether the recording sheet corresponds to the recording sheet size A5, A4 or A3 is performed by a series of comparisons between the detected breadthwise and lengthwise sizes of the paper and the breadthwise and lengthwise sizes of paper sizes A5, A4 and A3.

During the interview on November 14, the Examiner appeared to be concerned with the Kumon's statements on column 1, lines 44 and 45 and column 3, lines 45 and 46 regarding a "universal cassette ...[being able] to handle plural *kinds* of paper of different sizes" (emphasis added) as somehow teaching that information regarding different kinds (types) of paper is input. However, these sections of Kumon merely indicate that a universal paper cassette can handle different kinds of paper of different sizes (as is well known in the art). Nowhere does Kumon teach or suggest automatically inputting type information representing one of a plurality of types of recording material, wherein the type information indicates a size and a type of the recording

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.116
U.S. Patent Application No. 09/434,121

material, as claimed. Rather, as discussed above, Kumon only discloses inputting information regarding the size of the recording material.

In view of the above, Applicant respectfully submits independent claims 4 and 13 should be allowable since Kumon, alone or in combination with the other cited references, does not teach or suggest automatically inputting type information representing one of a plurality of types of recording material, wherein the type information indicates a size and a type of the recording material, as claimed.

With regards to dependent claims 9 and 17, the Examiner cites Yamashita for disclosing “the material is a standard type (ordinary paper) and a sticker type (label).” Further, the Examiner asserts “it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kumon as modified by the teaching of Yamashita in order to give the user a greater variety of recording medium from which to choose from.”

However, Yamashita simply discloses a paper detecting switch for generating a signal indicating the presence or absence of paper in the paper conveying path and a printing mode switching unit 16 (i.e., a manual switch disposed on the printer body) for switching between a first mode as a label making mode and a second mode as an ordinary paper printing mode. Nowhere does Yamashita teach or suggest automatically inputting type information stored in an information recording medium secured to a sheet supply container, wherein the type information indicates both a size of the recording material and a type of the recording material, and the types of recording material include a standard type and a sticker type. Similarly, Kumon fails to

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.116
U.S. Patent Application No. 09/434,121

disclose this feature of the claimed invention for the reasons discussed above with regards to claims 4 and 13.

Thus, the combination of Kumon and Yamashita would simply result in a printer which inputs a breadthwise size and a lengthwise size (i.e., the physical dimensions) of the recording sheet via the detection of setting positions of magnet code portions disposed on the underside of a paper supply cassette, and inputs a type of the recording material via the setting position of a manual switch on the printer body.

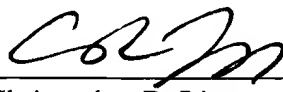
Accordingly, Applicant respectfully submits that claims 13 and 14 should be allowable because the combined references do not teach or suggest all of the features of the claims.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.116
U.S. Patent Application No. 09/434,121

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Christopher R. Lipp
Registration No. 41,157

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: December 16, 2003

Attorney Docket No.: Q56632